IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6612 of 2006

SALIM MOHAMMED ALIAS MOHD.SALIM
V/S
A.C.J.(S.D.)NO.2,JODHPUR & ORS.

Mr. JITENDRA CHOPRA, for the appellant / petitioner

Mr. SHIVNARAYAN PUNGALIYA, for the respondent

Date of Order : 9.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned trial Court has declined the petitioner's application for leading secondary evidence with respect to the rent note, photocopy whereof has been filed by the petitioner, and application was filed by the petitioner for summoning the original from the plaintiff under Order 11 Rule 14 CPC, whereupon the plaintiff was directed to produce the same, which he was not able to produce, therefore, secondary evidence is desired to be led. Learned trial Court has found that the document is insufficiently stamped. Obviously meaning thereby that the original thereof would not have been admissible in evidence. In my view, it is settled law so far as this Court is concerned, that where the original document itself would not have been admissible in evidence, either for want of being sufficiently stamped or for want

of registration, wherever required, no secondary evidence can be allowed to be led in respect of such inadmissible document.

In that view of the matter, though for different reasons, I do not find any ground to interfere with the impugned order. The writ petition is, therefore, dismissed summarily. Record of the trial Court be returned forthwith.

(N P GUPTA),J.

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